**STATE OF NEVADA**



**DEPARTMENT OF CORRECTIONS**
**Offender Management Division**
P.O. Box 7011
Carson City, NV 89702
(775) 887-3216
Fax: (775) 887-3253

# MEMORANDUM

**To:** **Departmental Staff**

**From:** **Rex Reed, Administrator**
**Offender Management Division**

**Subj:** **Sentence Management**

**Date:** **January 3, 2008**

---

**Issue: Inmates, families, and friends have questioned the computation of projected parole and discharge dates**.

**Response: Those with an interest in parole and discharge dates sometimes do not understand how an inmate's actions can change his projected expiration date and actual discharge date. A short explanation follows:**

## Explanation of Projections used in Sentence Computations

A projected expiration date is a conditional date. Inmates earning good time, work, and meritorious credits constantly move their actual discharge dates. Given that the actual discharge date is unknown for most of an inmate's prison term, the department provides inmates with a service that estimates a discharge date. That estimate calculated by the department's computer should be considered a guide, maybe even fictional, until the computer locks in an actual date approximately seven to ten days before release.

Departmental computers provide inmates with estimated parole eligibility and expiration dates by assuming an inmate earns the maximum amount of flat,

statutory good time, and work credits. Unfortunately, many inmates do not earn the maximum amount of days. Days are also referred to as credits. Work, flat, and statutory good time credits are posted once a month. If an inmate does not earn the maximum number of credits, the computer changes the estimated release date at the time of posting.

Assume the computer system estimates the sentence expiration of a medium custody inmate from the first of the year and with one year left on a sentence. At a maximum, such an inmate earns approximately 30 days of flat time, 10 days of work credit, and 20 days of statutory good time. (Note: Different custodies and sentences can earn at different rates.) That totals 60 credits per month or 2 credits for every day served. The computer does not estimate meritorious credits. Therefore, staff have programmed the computer to assume the inmate earns approximately 60 days of credit each month. Assume the inmate has one year left on his sentence. Therefore, the inmate can earn the 365 days needed to expire his sentence in slightly over six and not twelve months. The computer estimates the inmate will finish his sentence on July 3.

Using the same assumptions listed above, the computer can estimate a new projected or fictional expiration date should the inmate earn meritorious credits, such as 120 credits for an associate of arts degree. When the graduation paperwork is filed with the department, staff post, and the inmate receives, all 120 credits. Because the computer is programmed to assume the inmate is earning approximately 60 days of total credits for each month served, the computer will credit the inmate's sentence all 120 days and move the projected release up two months. The computer calculates the inmate's new fictional expiration date to be shortened by only 60 days because the inmate earns two days of credit for every actual day he serves. His projected release date will move from July 3 to May 3.

The opposite effect is found in computer calculations when an inmate forfeits statutory good time. Assume an inmate forfeits 120 days of statutory good time for destroying state property. Assuming the inmate continues to earn two days each day served, he can earn the 120 days of credit he forfeited in only 60 days. His new projected expiration date will lengthen his actual prison stay just 60 days and not 120, that is from May 3 back to July 3.

Staff and inmates should always remember that fictional expiration and parole dates are constantly moving estimates trying to reflect what will be the actual release date, which is also constantly moving based upon an inmate's number of flat plus earned work, statutory good time, and meritorious credits and less forfeited statutory good time. Because the computer system uses fixed assumptions while inmates earn credits in a fluctuating fashion, estimated date

movements cannot be calculated by simply adding or subtracting credit awards or forfeitures in a one-for-one fashion.

People interested in how release dates move will find the table listed below helpful. The table shows that when an inmate receives a meritorious award the old estimated sentence structure includes months that the inmate will no longer serve. Therefore, most of the credits in May and all of those in June and July that were credited to the inmate are no longer available to the inmate. The approximately 60 credits the inmate will not earn in May, June, and July have to be made up by the 120-day award before the new estimated release date can move forward. 120 days minus 60 days is 60 days. Therefore, the new estimated date will move up approximately 60 days from July 3 to May 3. Although the new estimated release date moves only 60 days forward, the computer gives the inmate his full 120 days of credit for the meritorious award. A similar but opposite movement occurs when the inmate loses 120 credits due to a disciplinary. The actual release date moves back two and not four months.

This table graphically represents how the department's computer software would estimate a medium custody inmate's sentence expiration with one merit award of 120 days and one disciplinary forfeiture of 120 days if the inmate has 365 days remaining on his sentence as of January 1.

| Inmate time if no merit or stat forfeitures | | | | | | Inmate time if one merit award and one stat forfeiture | | | |
|---|---|---|---|---|---|---|---|---|---|
| Month | Flat Time | Work Earned | Statutory Good Time Earned | Total Sentence Credits | Days Remain-ing in Sentence 365 | Merit Award | Days Remain-ing in Sentence 365 | Disciplinary Forfeiture | Days Remain-ing in Sentence 365 |
| jan | 31 | 10 | 20 | 61 | 304 | | 304 | | 304 |
| feb | 28 | 10 | 20 | 58 | 246 | | 246 | | 246 |
| mar | 31 | 10 | 20 | 61 | 185 | 120 | 65 | | 65 |
| apr | 30 | 10 | 20 | 60 | 125 | | 5 | -120 | 125 |
| may | 31 | 10 | 20 | 61 | 64 | | Note #1 | | 64 |
| jun | 30 | 10 | 20 | 60 | 4 | | | | 4 |
| jul | 2 | 1 | 1 | 4 | Note #2 | | | | Note #2 |
| totals | 183 | 61 | 121 | 365 | | | | | |

Note #1: As the inmate in this scenario has five days left at the end of April, he will discharge May 3rd with three days of flat time, one day of stat time, and one day of work time.

Note #2: As the inmates in this scenario has four days left at the end of June, he will discharge July 3rd with two days of flat time, one day of stat time, and one day of work time.

The above is a simple description of the process used to estimate an inmate's parole eligibility and discharge dates. As an inmate approaches parole eligibility

and discharge, sentence structures are carefully reviewed to account for any factors other than what are listed in this short explanation.

**What determines when an inmate is released from prison?**

An inmate is released from prison when he completes his sentence. If an inmate is sentenced on January 1, 2009 to 600 days (20 months), then he will be released from prison on September 1, 2010. If, however, the inmate takes advantage of the statutory good-time credits, work and study credits, and meritorious credits the law offers, he can cut his sentence from 20 months to 10 months or less.

**What is a projected expiration date?**

When an inmate begins his sentence, NDOC projects or computes in advance how many days the inmate needs to serve in order to discharge or complete his sentence. Staff have programmed the computer to estimate the projected expiration date based upon the assumption that the inmate will earn the maximum good time credits and work time credits available while he is in prison. One credit equals one day. For example, if an inmate begins a 600-day (20 months) sentence on January 1, 2009, then NDOC projects that during each month in prison, the inmate will earn 30 days flat time, 20 days good time, and 10 days work time, for a total of 60 days per month. So, NDOC projects that the inmate will complete his 600-day (20 month) sentence in 10 months (60 days credit x 10 months = 600 days) and gives him a projected expiration date of November 1, 2009. A simpler way to compute the projected expiration date is to divide the sentence by two. In other words, NDOC projects that if, and only if, an inmate works or studies and abides by prison rules, he can cut his sentence in half. Unfortunately, most inmates do not take advantage of the maximum good time credits and work credits available.

**How does the inmate's conduct change the projected expiration date?**

Inmates often misunderstand that the projected expiration date is conditioned upon the inmate's earning 20 days good time credit and 10 days work time credit every month he is in prison. If he does not earn the projected good-time credits or work time credits, then his projected expiration date will change or move back. If, for example, the inmate does not work while he is in prison, he only earns 50 days each month (30 days flat time plus 20 days good time) instead of 60 days each month towards the completion of his sentence. This means it will take him 12 months to complete his 600-day (20 month) sentence (30 days flat plus 20 days good time credit x 12 months = 600 days). So the inmate's not working causes him to spend 2 more months in prison than he would have if he had worked, and results in a negative change to his projected expiration date from November 1, 2009 to January 1, 2010.

The inmate's violation of prison rules can also change his projected expiration date. An inmate can earn 20 days of good time credit each month if he stays out of trouble. Violation of prison rules can result in the loss of some or all of the good time credits that the inmate has accumulated. For example, if an inmate has the above projected expiration date of November 1, 2009, and he loses 120 days of good time credit, this results in a negative change to his projected expiration date from November 1, 2009 to January 1, 2010.

On the other hand, if an inmate earns meritorious or educational credit, or works in a conservation camp, he can positively change his projected expiration date and shorten his sentence. The projected expiration date does not take into consideration in advance that an inmate will earn meritorious or educational credit, so when an inmate earns meritorious or educational credit, he shortens his sentence. If, for example, an inmate takes classes and earns 120 credits, then he takes 120 days off his sentence. It is extremely important to understand that this 120 days is not subtracted from his projected expiration date, but is subtracted from the length of his original sentence. By earning the 120 days meritorious credit, the sentence is shortened from 600 days to 480 days. NDOC then re-computes his projected expiration date by projecting how long it will take the inmate to serve his 480 days (assuming or projecting that the inmate will earn all the maximum good time credits and work time credits possible) which positively changes or moves up his projected expiration date.

**Why does an inmate's projected expiration date stay the same when he has earned the maximum amount of available work time credits and good time credits?**

The projected expiration date stays the same because the date already includes the maximum available good time and work time credits. As long as, and only as long as, the inmate earns 60 days per month (30 days flat time plus 20 days good time plus 10 days work time), he can serve his 600-day sentence in 300 days.

**How often does NDOC compute the projected expiration date?**

NDOC re-computes an inmate's Projected Expiration Date at the beginning of each month. If the inmate during the previous month earns less than 10 days work time credits or he forfeits good time credits, his projected expiration date negatively changes and his release date moves further out. If he earns 20 days good time and 10 days work time, then his projected expiration date stays the same. If he earns meritorious credit, then his projected expiration date can move up.

**Why did NDOC only move up an inmate's projected expiration date sixty days if he earned 120 days for getting an associate's degree? Isn't the**

**NDOC program only giving the inmate credit for half the days he earned and robbing him of 60 days?**

The answer is clearly no. You cannot subtract the 120 days from the projected expiration date. You have to subtract the 120 days from the length of the original sentence. For example, let us suppose an inmate is sentenced on January 1, 2009 to 600 days. NDOC correctly sets his projected expiration date at November 1, 2009 (300 days away). Let us further suppose that this inmate, on July 1, 2009 (after he has served 180 days) earns an associate's degree which entitles him to 120 days meritorious credits. Most inmates then mistakenly think that they should be released immediately because as of July 1, 2009 their projected expiration date was 120 days away and they earned 120 meritorious credits through the associate's degree. When NDOC gives the inmate the 120 day meritorious credit, re-computes the projected expiration date and tells the inmate his new projected expiration date is not immediately but 60 days away on September 1, 2009, the inmates then mistakenly believe NDOC is only giving them 60 days credit instead of 120. The fact that you can't subtract the 120 days meritorious credit from the remaining 120 projected days is borne out by the fact that you can't discharge a 600 day sentence if you only serve 180 days and are given a 120 day credit, shown as follows:

| | Flat time | | Good time | | Work time | | Total |
|---|---|---|---|---|---|---|---|
| | 120 days credit (Assoc.) | | | | | = | 120 days |
| plus | 180 days served | + | 120 days | + | 60 days | = | 360 days |
| | 300 days | + | 120 days | + | 60 days | = | 480 days |

So, even with a 120 day credit, an inmate who serves 180 days cannot earn enough flat-time, good time and work time to complete a 600 day sentence. One cannot subtract the 120 meritorious days from the remaining 120 projected days and conclude a sentence should be discharged. Estimating a new sentence date does not work that way.

If, however, you subtract the 120 meritorious credits from the original 600 day sentence, this leaves a 480 day sentence. To project a new expiration date, one can divide the 480 days by 2 to arrive at the correct projected expiration date of 240 days. This calculation is borne out by the following:

| | Flat time | | Good time | | Work time | | Total |
|---|---|---|---|---|---|---|---|
| | 120 days credit (Assoc.) | | | | | = | 120 days |
| plus | 240 days served | + | 160 days | + | 80 days | = | 480 days |
| | 360 days | + | 160 days | + | 80 days | = | 600 days |

Thus, in order to expire a 600 day sentence, after getting a credit of 120 days for earning an associate's degree, an inmate has to serve 240 days to reach the 480 days necessary to expire a 600 day sentence. This calculation again assumes that the inmate earns the maximum good-time credits and maximum work-time credits during the 240 days he serves. Because the inmate had served 180 days when he received the associate's degree, he has to serve another 60 days before he can complete his sentence, so his projected expiration date is recomputed to 60 days away on September 1, 2009. It is understandable why some inmates believe they are getting only half of the credits they earned, but nonetheless, their belief is incorrect.